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HUMAN RIGHTS COMMITTEE

Sixty-ninth session

SUMMARY RECORD OF THE 1860th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 24 July 2000, at 3 p.m.

Chairperson: Ms. EVATT
(Vice-Chairperson)

later: Ms. MEDINA QUIROGA
(Chairperson)

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In the absence of Ms. Medina Quiroga, Ms. Evatt (Vice-Chairperson) took the Chair.

The meeting was called to order at 3.15 p.m.

ANNUAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY THROUGH THE ECONOMIC AND SOCIAL COUNCIL UNDER ARTICLE 45 OF THE COVENANT AND ARTICLE 6 OF THE OPTIONAL PROTOCOL (agenda item 9) (continued) (CCPR/C/69/CRP.1/Add.6; CCPR/C/69/CRP.2/Add.1, Add.2, Add.4, Add.5, Add.7 and Add.8)

1. The CHAIRPERSON invited Committee members to adopt the draft annual report chapter by chapter. Since not all members who had contributed to the earlier discussion on chapter VI were present, she invited the Committee to consider annex I first.

Annex I (CCPR/C/69/CRP.2/Add.1)

2. Mr. KRETZMER noted that the date of the Covenant's entry into force for Israel had been omitted.

3. Following a discussion in which Lord COLVILLE (Rapporteur), Mr. SOLARI YRIGOYEN, Mr. WIERUSZEWSKI, Mr. ANDO, Ms. CHANET and the CHAIRPERSON took part, the CHAIRPERSON said that a number of notes indicating the situation with regard to the accession or succession of States still required adjustment. She invited members to submit further suggestions for such amendments to the secretariat. The final sentence in note d/, concerning Macao, should be placed in note e/.

4. Mr. SCHEININ said that note g/ relating to the denunciation of the Optional Protocol by Trinidad and Tobago should be amended to reflect the more up-to-date information contained in the main text of the document.

5. The CHAIRPERSON said she took it that the Committee wished to adopt annex I subject to the editorial changes which had been mentioned and the inclusion of amendments to the notes concerning accession and succession.

6. Annex I (CCPR/C/69/CRP.2/Add.1), as amended, was adopted.

Chapter VI (continued) (CCPR/C/69/CRP.1/Add.6)

7. The CHAIRPERSON invited the Committee to resume its discussion of the draft of chapter VI.

Paragraph 5

8. Paragraph 5 was adopted.

Paragraph 6

9. The CHAIRPERSON, noting that there were no objections to the wording of the paragraph, invited the Rapporteur to introduce the accompanying list relating to follow-up information requested from States.

10. Lord COLVILLE (Rapporteur) said that if no follow-up reply had been received from a State party, a statement to that effect had been made in bold. He intended that the bold text should be carried through to the actual report, as a means of exerting further pressure on the States parties concerned.

11. The CHAIRPERSON read out the list country by country.

12. Paragraph 6 was adopted.

Paragraphs 7-9

13. Paragraphs 7-9 were adopted.

Paragraph 10

14. Ms. CHANET, Special Rapporteur for Follow-up on Views, said it was now possible to update the paragraph in order to take account of her meeting with the Australian delegation on 21 July. Although it was too late to include any relevant facts from that meeting in the annual report, she suggested including in it a reference to the fact that she intended to produce an interim report.

15. Ms. Chanet's suggestion was approved.

16. Paragraph 10, as amended, was adopted.

Paragraph 11

17. Mr. SOLARI YRIGOYEN, referring to the last sentence, asked whether the meeting with the State party's representative had taken place. He was concerned that other States parties might seek to emulate the challenge the State party (Austria) had made to the Committee's Views in the Pauger case.

18. Ms. CHANET replied that the meeting was due to take place the following day. She wondered what procedure would subsequently apply.

19. The CHAIRPERSON said that the annual report would be amended to indicate that the meeting had occurred and that the Special Rapporteur's report on it would be considered by the Committee at a later date. As in the case of Australia, any relevant material would have to be included in the next annual report.

20. Paragraph 11 was adopted.

Paragraph 12

21. Mr. KLEIN asked whether it could be assumed that the Gauthier case could be regarded as having come to a satisfactory conclusion. If so, he wondered whether that should be mentioned in the paragraph.

22. The CHAIRPERSON said no reference to the conclusion of that case would be included in paragraph 12, in line with the Committee's decision at its previous meeting that a separate list of cases whose outcome it regarded as satisfactory would be prepared for members' approval.

23. Mr. AMOR asked whether the Committee was adopting a systematic approach in dealing with States parties which expressed their intention not to accept the Committee's findings. He suggested that first an interview with the Special Rapporteur should take place, after which the Committee would meet a representative of the State party with a view to publishing an opinion.

24. Ms. CHANET said she was in full agreement with that procedure. With regard to the reporting of her meetings with the representatives of Australia and Austria, she wondered how best to proceed, given that it would not be possible to apprise members of the content of those meetings during its discussion on follow-up or to include the relevant material in the annual report.

25. Mr. AMOR suggested that a reference to the current situation in those countries could be included in the annual report for the current year.

26. The CHAIRPERSON, emphasizing that the Committee was not at the stage where it could express satisfaction with either the Pauger or the Gauthier cases, referred to in paragraphs 11 and 12 respectively, said that it had no option but to await the report of the Special Rapporteur concerning the countries in question and any other instances in which follow-up was still outstanding from the Committee's previous session.

27. Ms. CHANET said it was her intention to prepare a report for the March session, in accordance with the normal practice. In the meantime, she would hold meetings with representatives of all the States parties concerned.

28. The CHAIRPERSON said it seemed that all matters relating to follow-up had been pursued in line with the procedure suggested by Mr. Amor, and that the procedure would, as usual, culminate in submission of the Special Rapporteur's report at the March session.

29. Paragraph 12 was adopted.

Paragraph 13

30. Ms. CHANET suggested amending the paragraph to take account of the meeting she had held with the State party's representative on 18 July.

31. Ms. Chanet's suggestion was approved.

32. Paragraph 13, as amended, was adopted.

Paragraphs 14-22

33. Paragraphs 14-22 were adopted.

34. Ms. CHANET, supported by Mr. BHAGWATI, proposed the inclusion of additional wording similar to that normally found at the end of each communication, to the effect that since States parties, in ratifying the Optional Protocol, recognized the Committee's competence to consider communications, they were under an obligation to provide effective remedies in the event of a violation. A further sentence would be added, bringing the non-compliance to the attention of the Secretary-General and requesting that appropriate action be taken.

35. The CHAIRPERSON proposed that the wording should be included in a new paragraph to be added after paragraph 22.

36. Lord COLVILLE (Rapporteur) agreed, and proposed that the paragraph should be reproduced in bold.

37. The proposals by Ms. Chanet, the Chairperson and Lord Colville were approved.

38. Chapter VI (CCPR/C/69/CRP.1/Add.6), as amended, was adopted.

Annex II (CCPR/C/69/CRP.2/Add.2)

39. The CHAIRPERSON pointed out that Mr. Henkin's name should appear on the list between Ms. Evatt and Mr. Klein.

40. Annex II (CCPR/C/69/CRP.2/Add.2), as amended, was adopted.

Annex III

41. Lord COLVILLE (Rapporteur) explained that annex III, which had not been circulated, simply contained the text of the guidelines already adopted by the Committee, with an introductory heading.

42. Annex III was adopted.

Annex IV (CCPR/C/69/CRP.2/Add.4)

43. The CHAIRPERSON noted that the date due for Australia's fifth periodic report would have to be added when decided.

44. Mr. SCHEININ said the list had been drawn up on the basis of the Committee's earlier decision that each State party should be recorded as having a maximum of one overdue report, and that decision should be reflected in the information given. The Office of the High Commissioner for Human Rights, which was making a study of the treaty body system, had

claimed that the Committee had 144 overdue reports, which was in fact the total number of States parties to the Covenant. That figure was being used to cast doubt on the effectiveness of the Committee's performance. He suggested that a note should be added, making clear that some countries had no reports overdue and others had only one overdue.

45. Mr. ANDO pointed out that Macao Special Administrative Region should come before Madagascar on the list.

46. Mr. SOLARI YRIGOYEN pointed out that in the Spanish text corrections should be made to "Côte d'Ivoire" and "Netherlands (Antilles)".

47. Mr. KLEIN observed that under Kazakhstan a note had been added referring to the fact that no declaration of succession had been received. Ought not the Committee to draw the consequences from that situation and request a report from the State party?

48. Lord COLVILLE (Rapporteur) said the problem with regard to Kazakhstan was that because the Committee had no date of receipt of the instrument of ratification or date of entry into force for that country, there was no starting-point for the reporting period. The Committee could itself set a date, but it had not yet taken a formal decision to do so.

49. Mr. KLEIN said that if the Committee accepted the notion of succession, it would follow that Kazakhstan had already been bound by the Covenant at the time when it had formed part of the Soviet Union. All that remained was for the Committee to fix a date.

50. Lord COLVILLE (Rapporteur) pointed out that if that was done, Kazakhstan would be the only State party for which a date for accession and ratification had been set by the Committee. The decision was an important one, and he believed it would be better recorded in chapter III of the report proper than in one of the annexes.

51. Mr. KLEIN suggested that the Committee, through the secretariat, should try to establish contact with the State party in order to clarify that point.

52. Mr. HENKIN said he saw no need to seek clarification. The State party should be treated as bound by the Covenant from the date of its independence, and the Committee should simply inform it of that fact.

53. Lord COLVILLE (Rapporteur) noted that entries for Kazakhstan for type of report and date due could now be made in annex IV. However, no entries could be made for that country in annex I for date of receipt of the instrument of ratification and date of entry into force.

54. Mr. KLEIN suggested that a reference should be made under note (d) on page 12 of annex I to the decision taken by the Committee with regard to Kazakhstan.

55. The CHAIRPERSON said she took it that it was the wish of the Committee to include in chapter III of the report a decision along the following lines "At its 1860th meeting

on 24 July 2000, the Committee decided that Kazakhstan should be requested to present its initial report by 31 July 2000, notwithstanding the fact that no instrument of succession or accession had yet been received from Kazakhstan".

56. It was so agreed.

57. Annex IV (CCPR/C/69/CRP.2/Add.4), as amended, was adopted.

Annex V (CCPR/C/69/CRP.2/Add.5)

58. Lord COLVILLE (Rapporteur) noted that under section B the date of submission of 25 December 2000 given for the second periodic report of the Democratic People's Republic of Korea would need to be checked, and the list of countries under section D should include Australia. Under section E, "Jersey, Guernsey and the Isle of Man" should be added to "United Kingdom of Great Britain and Northern Ireland".

59. Mr. SCHEININ pointed out that the report of the Federal Republic of Yugoslavia, which had been scheduled for consideration in March 2001, should be included in the appropriate section.

60. Mr. KLEIN said that reference should also be made to the report of Afghanistan, which had been before the Committee for consideration.

61. Ms. CHANET said she was astonished to see how many reports were still in translation, notably that of Netherlands (Antilles), which had been submitted on 10 February 1999. A delay of 18 months was unacceptable.

62. The CHAIRPERSON said the delay was in part due to the change made in the Committee's system of processing reports, whereby priority for translation was given to reports listed for consideration two sessions ahead. That priority would not necessarily relate to the order in which reports had been received.

63. Mr. SOLARI YRIGOYEN said that the status "Issued, not yet examined" given for the reports of Venezuela and Peru implied that that situation was the fault of the Committee, whereas in fact it was the fault of the State parties, which had deferred their presentation of those reports. A footnote should be added to that effect.

64. Mr. LALLAH said he too was concerned that as many as 12 reports were still in translation. The translation services should be alerted to the situation, since otherwise the Committee might not have enough reports to consider in 2001.

65. The CHAIRPERSON said that the secretariat would draw that point to the attention of the services concerned. A footnote would be added to the entries for Peru and Venezuela along the following lines "The report of the State party was listed for consideration by the Committee on (date), but the State party asked for its consideration to be deferred very shortly before that date".

66. Annex V (CCPR/C/69/CRP.2/Add.5), as amended, was adopted.

Annex VI

67. Lord COLVILLE (Rapporteur) said the text of annex VI, which had not been circulated, contained the Committee's general comments under articles 3 and 12.

68. Annex VI was adopted.

Annex VII (CCPR/C/69/CRP.2/Add.7)

69. Mr. KLEIN pointed out that the words "(People's Republic of China)" should be added after "Hong Kong Special Administrative Region".

70. Mr. SOLARI YRIGOYEN said that, as he recalled, the report of the Hong Kong Special Administrative Region had been introduced by the representative of China.

71. Mr. DE ZAYAS (Secretary of the Committee) said the list for that Region had been based on the list provided by the delegation. However, the fact that the Ambassador of China had introduced the report should be reflected in the list.

72. Ms. CHANET disagreed. In her view, the official list should be strictly followed. The fact that the name of the Ambassador of China did not appear on that list indicated that the delegation had not wished it to do so.

73. Mr. AMOR and Ms. GAITAN DE POMBO supported that view.

74. Mr. SCHEININ, supported by Mr. Solari Yrigoyen, said it was a fact that the representative of China had appeared before the Committee to introduce the delegation, and that fact should be reflected in the text. The best solution would be to add a footnote along the following lines "The delegation was introduced to the Committee by the Ambassador of the People's Republic of China".

75. It was so agreed.

76. Annex VII (CCPR/C/69/CRP.2/Add.7), as amended, was adopted.

Annex VIII (CCPR/C/69/CRP.2/Add.8)

77. Lord COLVILLE (Rapporteur) drew attention to three mistakes in the document: Venezuela, Afghanistan, Yugoslavia and Peru had been omitted from section B; the comments by the Republic of Korea should be deleted from section C as they appeared in section E; and the heading for "Summary records" should be J and not G.

78. Mr. WIERUSZEWSKI, pointing out that various names were applied to the same country in different documents, stressed the need for greater consistency.

79. Lord COLVILLE (Rapporteur) said that in future the name used in the report submitted by the country concerned should be adopted in the Committee's documentation. Venezuela, Afghanistan, Peru and Yugoslavia had been omitted from the list because they had been on the previous year's list. The reports had been issued, but not considered, so they should be reincorporated.

80. Mr. KLEIN said that "People's Republic of China" should be added after "Hong Kong Special Administrative Region".

81. Annex VIII (CCPR/C/69/CRP.2/Add.8), as amended, was adopted.

82. Lord COLVILLE (Rapporteur) stated that the four remaining annexes were IX on Views, X on declarations of inadmissibility, XI on the special decision on the Trinidad and Tobago case, and XII, which would contain a summary of Ms. Robinson's address to the pre-sessional Working Group.

83. Ms. Medina Quiroga took the Chair.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Draft list of issues to be taken up in connection with the consideration of the fourth periodic report of Denmark (CCPR/C/70/Q/DNK/2)

Question 1

84. Mr. AMOR considered that the topics considered in the first three questions were too important to be termed "miscellaneous"; the heading should therefore be amended.

85. The CHAIRPERSON agreed.

86. Mr. HENKIN (Country Rapporteur) said that he would willingly look for a different term. "Follow-up" might likewise be confusing as it had been employed in connection with communications.

87. Mr. SCHEININ suggested that the words "for compensation" should be deleted, because he had been informed that the case pending before the Supreme Court also covered the possible right of return.

88. Mr. HENKIN (Country Rapporteur) pointed out that paragraph 15 of the concluding observations had mentioned compensation, but a more general term could be employed. The reference to paragraph 15 should be maintained since paragraph 15 mentioned compensation.

89. Mr. BHAGWATI agreed because the reference showed that the Committee was monitoring the action taken on the concluding observations in the previous report.

90. Question 1, as amended, was adopted.

Questions 2-5

91. Questions 2-5 were adopted.

Question 6

92. Mr. AMOR said that the heading was infelicitous because the articles mentioned were inappropriate. It should therefore be deleted.

93. Mr. HENKIN (Country Rapporteur) said that he had no objection.

94. Question 6, as amended, was adopted.

Questions 7-12

95. Questions 7-12 were adopted.

Question 13

96. Mr. SCHEININ pointed out that the article referred to in the heading should be article 27 (not 21) and proposed the following additional question on self-determination: "What is the current state of affairs as to the right of self-determination (art. 1) in respect of the Faeroe Islands and Greenland?" The question was particularly pertinent to the Faeroe Islands, because a peaceful negotiation process had been initiated with a view to establishing an entity which, while not identical to a State, would be treated in a very similar manner in international relations. That meant that a novel form of self-determination was taking shape in the Faeroe Islands. The heading should be amended to "Minority rights, indigenous peoples and the right of self-determination".

97. Question 13, as amended, was adopted.

Questions 14-16

98. Questions 14-16 were adopted.

99. The CHAIRPERSON noted that the list of issues had been adopted, except for some of the headings.

100. Mr. ANDO asked in connection with the term "Follow-up" whether any communications had been received during the session.

101. Mr. DE ZAYAS (Secretary of the Committee) replied that no Views on communications concerning Denmark had been adopted that year.

102. Mr. HENKIN (Country Rapporteur) said that he would try to find a different term in order to make it clear that the questions stemmed from previous reports.

103. The CHAIRPERSON said that she would prefer "Women's human rights" as the heading of the second section and asked Mr. Amor if he had any suggestions for the next heading.

104. Mr. AMOR queried the necessity of headings.

105. Mr. HENKIN (Country Rapporteur) explained that he wished to follow the Committee's practice and would try to agree on a new heading with Mr. Amor.

106. The draft list of issues, as amended and pending the inclusion of amended headings, was adopted.

Draft list of issues to be taken up in connection with the consideration of the third periodic report of Argentina (CCPR/C/ARG/98/3; CCPR/C/70/Q/ARG/Rev.2)

107. Lord COLVILLE introduced the list compiled by Mr. Yalden (Country Rapporteur), which took account of members' comments. Mr. Klein had suggested that the title of the first section should be amended to "Self-determination of indigenous peoples and rights of persons belonging to minorities (arts. 1 and 27)"; Mr. Yalden had had no objections.

Question 1

108. Question 1 was adopted.

Question 2

109. Mr. KLEIN proposed that question 2 should be left in its original form and that two new questions be added after it. The first would consist of the second sentence of question 20 relating to the National Plan for Indigenous Peoples. The second would comprise the first sentence of question 20: "Please comment on any special measures, legislative or administrative, taken in order to protect minorities, as provided for under article 27 of the Covenant."

110. Question 2 and the two new questions were adopted.

Question 3

111. Mr. KLEIN proposed the deletion of that question since a list of specific instances would serve no useful purpose.

112. Mr. AMOR considered that it would be helpful to include the question, but it should be recast. The State could be asked if the Covenant could be directly invoked before the courts and, if so, it should quote examples.

113. The CHAIRPERSON said she knew that the Covenant could be invoked, but if the Committee wanted to find out about specific cases, it should ask for information on them.

114. Mr. WIERUSZEWSKI reminded the Committee that the working group had been divided on deletion. He himself was in favour of deleting the question.

115. Lord COLVILLE suggested that the question could be reworded so as to ask the State party to provide some examples of cases in which the Covenant had been invoked.

116. Question 3, as amended, was adopted.

Question 4

117. Mr. HENKIN proposed that, in the second sentence, the phrase "or on federal legislation directly applicable in the provinces" should be inserted after the word "legislate".

118. Question 4, as amended, was adopted.

Question 5

119. Question 5 was adopted.

Question 6

120. Ms. EVATT said that some other issues should also be included. A reference should be made to the participation of women in provincial and local government. A question should be asked about access to abortion and sterilization. And perhaps a question on violence should be included.

121. Mr. ZAKHIA stated that the first question should be a general request for information about equality in the family, as religion could influence matters connected with marriage and divorce. The question might read "Please provide information on equality in the family and the participation of women in public life, in particular in Parliament ...".

122. The CHAIRPERSON observed that equality between men and women was practised in the family, but abortion and violence were important issues.

123. Mr. WIERUSZEWSKI asked if the report had mentioned violence.

124. The CHAIRPERSON inquired if the question should refer to article 3 or to articles 6 and 7.

125. Mr. AMOR said that a reference should be made to article 3 and the heading should mention non-discrimination against women and women's rights. He did not believe that the question of abortion should be linked to article 6.

126. The CHAIRPERSON pointed out that, in its concluding observations, the Committee had consistently dealt with the issue of maternal mortality under article 6 because of the criminalization of abortion, and had discussed the question of the criminalization of abortion and pregnancy as a consequence of rape under article 7.

127. Mr. BHAGWATI considered that reference should be made to articles 3, 6 and 7.

128. Ms. EVATT said that if the Committee was considering violence and abortion, articles 6 and 7 would be most appropriate.

129. The CHAIRPERSON noted that the question on abortion would be related to the right to life, and that the question on violence would ask whether the law was working properly and whether officials received training.

130. Ms. EVATT said that the State party should be asked if specific legal measures were in place and whether they were effective.

131. Question 6, as amended, was adopted.

Questions 7-10

132. Questions 7-10 were adopted.

Question 11

133. Mr. HENKIN said that the phrase "cases of torture" implied that the cases had come before a court.

134. Mr. KLEIN suggested the words "allegations of torture".

135. Question 11, as amended, was adopted.

Questions 12-14

136. Questions 12-14 were adopted.

Question 15

137. Question 15, as amended by Mr. Klein (see draft), was adopted.

Question 16

138. Question 16 was adopted.

Question 17

139. Mr. ZAKHIA suggested that the question should be made more general, along the following lines: "Are sexual relations between consenting adults, whether heterosexual or homosexual, recognized and protected?"

140. Mr. AMOR said that the question dealt with a set of rights which, while important, were not so fundamental as many others covered in the list of issues. He proposed that the question should be deleted from the list of issues, and instead asked orally when the Argentine delegation appeared before the Committee.

141. Ms. GAITAN DE POMBO observed that the rights of homosexuals were not a major issue in Argentina.

142. Question 17 was deleted.

Question 18

143. Mr. KLEIN suggested that a reference to article 26 of the Covenant (equality before the law) should be added in the title, to read: "Freedom of religion (arts. 18 and 26)", and in the body of the question, to read: "... compatible with articles 18 and 26 of the Covenant".

144. Question 18, as amended, was adopted.

Question 19

145. Lord COLVILLE explained that the question was intended to elicit specific examples of implementation of the principles of equality in Argentina, since the report merely referred the reader to earlier paragraphs.

146. Question 19 was adopted.

Question 20

147. The CHAIRPERSON recalled that the Committee had agreed to make the text of question 20 into two new questions, to be inserted after the existing question 2.

148. Question 20 was deleted.

Question 21

149. Question 21 was adopted.

Question 22

150. Lord COLVILLE said that, as he recalled, the working group had decided to delete the phrase "in particular schoolteachers, judges, lawyers and police officials".

151. Mr. WIERUSZEWSKI said that the phrase had been retained because the Committee was particularly interested in the professions concerned, and they did not enjoy the status of public servants in all countries.

152. Question 22 was adopted.

153. The draft list of issues, as amended, was adopted.

Draft list of issues to be taken up in connection with the consideration of the initial report of Uzbekistan (CCPR/C/UZB/99/1; CCPR/C/70/Q/UZB/4)

Questions 1-4

154. Questions 1-4 were adopted.

Question 5

155. Mr. HENKIN, noting the phrase "How many cases ... have been registered ...", asked why the word "registered" had been used.

156. Mr. WIERUSZEWSKI (Country Rapporteur) said that the reference was to cases registered with the Working Group on Enforced or Involuntary Disappearances. He had no objection to replacing it by "reported".

157. Ms. EVATT suggested that "cases of enforced or involuntary disappearances" should be replaced by "allegations of enforced or involuntary disappearances made to the authorities".

158. Mr. WIERUSZEWSKI (Country Rapporteur) said that people were often afraid to report disappearances to the authorities, since it might well be the authorities which were responsible for the disappearance. On the other hand, the State party might deny all knowledge of disappearances which had not been officially reported. It seemed safer to keep the wording general.

159. Mr. AMOR suggested the wording: "Please give details of any enforced or involuntary disappearances. Have they been investigated and, if so, with what results?"

160. Question 5, as amended by Mr. Amor, was adopted.

Question 6

161. Mr. HENKIN suggested that the phrase "cases concerning torture and ill-treatment" in question 6 (a) should be replaced by "complaints of torture and ill-treatment".

162. Question 6, as amended, was adopted.

Questions 7-12

163. Questions 7-12 were adopted.

Question 13

164. Mr. AMOR said that he had suggested the question "What is the position of women within religion?" because he was aware of certain religious beliefs which were reflected in the positive law of Uzbekistan and adversely affected the status of women. If the Committee preferred, he would put the question orally.

165. Mr. KLEIN said that the State party could not be expected to define the status of women within religion. The question should be phrased in terms of discrimination.

166. Ms. CHANET suggested that the question should be put in connection with articles 3 and 26 of the Covenant, i.e. gender equality and non-discrimination, rather than freedom of religion. It would then follow the present question 21.

167. Mr. BHAGWATI suggested the wording: "What is the status of women in Uzbekistan, and to what extent is it affected by religious dogma and practices?", keeping the question in its current position, linked to article 3.

168. Mr. ZAKHIA, supported by Mr. WIERUSZEWSKI (Country Rapporteur), said that the question should be linked to articles 3 and 26, and thus appear after question 21.

169. Mr. AMOR suggested the wording: "Has the State party taken, or does it plan to take, steps to combat discrimination against women on religious grounds?"

170. The CHAIRPERSON said that the Committee must decide whether the main issue was that of freedom of religion, in which case the question should remain under articles 18 and 19, or that of gender equality, in which case it should be considered under articles 3 and 26.

171. Mr. WIERUSZEWSKI (Country Rapporteur) said that, in his opinion, it was more a question of freedom of religion, since the Government was attempting to restrict religious practices as far as possible. He also felt that it was tradition and culture, rather than religion itself, which adversely affected the status of women.

172. The CHAIRPERSON said that most members nevertheless appeared to favour linking the question to articles 3 and 26.

173. Mr. WIERUSZEWSKI (Country Rapporteur) said that after consulting Mr. Zakhia and other members, he wished to suggest the following amendment: "With reference to paragraph 104 of the report, please specify what kind of practical or legal measures the State party has taken, or plans to take, to combat discrimination against women on the grounds of religion or tradition."

174. Question 13, as amended, was adopted.

Question 14

175. Ms. CHANET pointed out that the section heading, "Right to a fair trial (art. 14)", should appear after question 14, not before it.

176. Question 14 was adopted.

Questions 15-18

177. Questions 15-18 were adopted.

Question 19

178. Mr. ZAKHIA, supported by Mr. AMOR, suggested the addition of a more general question before the existing question 19, to read: "What inequalities connected with gender persist, either in private or in public, and what measures have been taken to ensure equality, particularly in the area of participation in public life?"

179. Mr. KLEIN suggested that the Committee should ask for statistics on gender equality.

180. Mr. WIERUSZEWSKI (Country Rapporteur) said that the section of the report dealing with gender equality was long and detailed, with many statistics. Mr. Zakhia's general question therefore seemed unnecessary. What was missing was any indication of the State party's plans to improve the current situation.

181. The CHAIRPERSON suggested that the question should be left in its original form. Members could query any points which were still unclear when the delegation appeared before it.

182. Question 19 was adopted.

Questions 20-23

183. Questions 20-23 were adopted.

Question 24

184. Mr. AMOR said that, if the State party knew anything about harassment of human rights defenders, it was unlikely to admit it. He suggested the following wording: "What measures does the State party take to provide appropriate protection for human rights defenders?"

185. Mr. ANDO suggested the wording: "In the light of alleged cases of harassment of human rights defenders, what measures are being envisaged to eliminate those practices?"

186. Question 25, as amended by Mr. Ando, was adopted.

Question 26

187. Question 26 was adopted.

Questions 27 and 28

188. Mr. KLEIN said that questions 27 and 28, which dealt with the Optional Protocol to the Covenant, properly belonged at the beginning of the list of issues. He proposed that they should follow the original question 3.

189. Mr. WIERUSZEWSKI (Country Rapporteur) said that the title of the first section would then read: "Constitutional and legal framework within which the Covenant is implemented, state of emergency (arts. 1, 2 and 4) and Optional Protocol."

190. It was so decided.

191. The CHAIRPERSON suggested the following wording for question 27: "In the light of allegations of harassment by the authorities of individuals who have availed themselves of this procedure, what measures have been taken to eliminate those practices?"

192. Question 27, as amended, and question 28 were adopted.

Question 29

193. Question 29 was adopted.

194. Mr. AMOR observed that the list of issues was very long. Twenty questions was a more normal number.

195. Mr. WIERUSZEWSKI (Country Rapporteur) said that the number of questions reflected the number of issues the Committee wished to raise.

196. The draft list of issues, as amended, was adopted.

The meeting rose at 6.10 p.m.